

**REMARKS**

By this Amendment, claims 1-15 are canceled, and claims 19-30 are added. Accordingly, claims 16-30 are pending in this application. Reconsideration of the application is respectfully requested.

Entry of the Amendment is proper under 37 C.F.R. §1.116 since the Amendment: a) places the application in condition for allowance (for reasons discussed herein); b) does not raise any new issues requiring further search and/or consideration (since the Amendment amplifies issues argued throughout prosecution); c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and d) places that application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the Amendment is thus respectfully requested.

The Office Action rejects claims 1-15 under 35 U.S.C. §112, second paragraph. By this Amendment, claims 1-15 are canceled, rendering the rejection moot.

The Office Action rejects claims 1-7 and 12 under 35 U.S.C. §102(e) over U.S. Patent No. 6,441,828 to Oba et al. The Office Action rejects claims 8-10 and 13 under 35 U.S.C. §103(a) over Oba et al. in view of U.S. Patent No. 5,516,607 to Iijima et al. The Office Action rejects claim 11 under 35 U.S.C. §103(a) over Oba in view of U.S. Patent No. 3,700,936 to Shimizu. The Office Action rejects claims 14 and 15 under 35 U.S.C. §103(a) over Oba in view of U.S. Patent No. 6,429,839 to Sakamoto. By this Amendment, claims 1-15 are canceled, rendering these rejections moot.

Claim 16 is rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,575,634 to Kohashi. This rejection is respectfully traversed.

The Office Action asserts that Kohashi discloses a display element 100 (Fig. 1), an optical switching element (200, 300) comprising a capacitor  $C_B$ , and variable resistor  $R_P$ , Fig.

1, comprising a ratio of the resistance component (a variable resistor  $R_p$ , Fig. 1), the applied voltage polarity (an AC power supply  $V_A$ ). Applicants submit that Kohashi does not disclose "controlling a ratio of the resistance component of the optical switching element at least depending on the applied voltage polarity," as recited in claim 16.

The resistance component, identified in the Office Action as the variable resistor  $R_p$  shown in Figure 1 of Kohashi, is described in the specification as "the resistance  $R_p$  of which varies according to the incident light  $L_1$ ." (See, for example, column 2 lines 30-37 and 44-46.) Nowhere in Kohashi is the resistance component of  $R_p$  described as varying according to the polarity of the applied voltage  $V_a$  as shown in Figure 1, but only according to the amount of incident light. Therefore the feature of "the resistance component of the optical switching element at least depending on the applied voltage polarity," as recited in claim 16 is not found in Kohashi. Accordingly, Applicants respectfully submit that claim 16 is patentable over the applied reference. Withdrawal of the rejection is therefore respectfully requested.

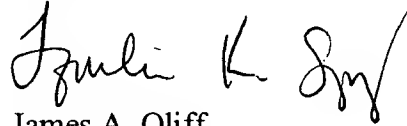
The Office Action rejects claims 17 and 18 under 35 U.S.C. §103(a) over Kohashi. For at least the reasons set forth above with respect to claim 16, claims 17 and 18 are also patentable over Kohashi, as they recite "the resistance component depending at least on the polarity of the applied voltage." Withdrawal of the rejection is therefore respectfully requested.

New claims 19-30 recite the features of original claims 2 and 5-15, however, claims 19-30 depend from patentable claim 16. In addition, the term voltage "polarity" is used in claims 19-30. Accordingly, Applicants respectfully submit that claims 19-30 are also patentable over Kohashi.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 16-30 are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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